#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#### PATENT

Applicant:

Christopher John Fletcher

Docket No.:

70655.4800

Patent No.:

7,472,827

Issued:

Jan. 6, 2009

Serial No.:

10/711.827

Examiner:

April A. Taylor

Filed:

Oct. 7, 2004

Group Art Unit:

2887

Title:

LIMITED USE PIN SYSTEM AND METHOD Confirmation No.:

5826

## REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.322

Attn: Certificate of Correction Branch

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

### Dear Commissioner:

Pursuant to 37 C.F.R. §1.322, Patentee hereby requests a Certificate of Correction be issued to correct an error noticed in the issued patent.

Applicants assert that there are errors in Claims 1 and 13. These errors were made by the Office. Applicants' Attorney refers to the Amendment and Reply filed on June 19, 2008 (a copy of which is attached).

Specifically, in Claim 1 the words "one of" in column 29, line 47 should be removed.

Specifically, in Claim 13 (originally numbered Claim 19) the words "account number and" in column 31, line 28 should be removed.

If the Commissioner for Patents somehow determines it was not an Office error, The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. 19-2814.

Serial No.: 10/711,827 Docket No.: 70655.4800

If there are any questions or unresolved issues, the undersigned would welcome a telephone call to the number shown below.

Respectfully submitted,

Dated: (/39/0°

Howard I. Sobelman Reg. No. 39,038

SNELL & WILMER L.L.P.

400 E. Van Buren One Arizona Center Phoenix, Arizona 85004 Phone: 602-382-6228

Fax: 602-382-6070 Email: hsobelman@swlaw.com

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Page \_\_1\_\_ of \_\_1\_

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(Also Form PTC-1050)

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : 7,472,827
APPLICATION NO.: 10/711,827
ISSUE DATE : Jan. 6, 2009
INVENTOR(S) Christopher John Fletcher
It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:
In Column 29, line 47, please delete "one of".
In Column 31, line 28, please delete "account number and".
•

This collection of information is required by 37 CRF 1,322, 1323, and 1,324. The information is required to obtain or retain a benefit by the call of by the USFTO (by porceas) an application. Confidentiality is governed by 50 USF. 0,21 and 37 CFR 1,5.1. This collection is estimated to 16 to 16 to 10 mour to complete, including gathering, preparing, and submitting the completed application form to the USFTO. Time will very depending upon the individual case. Am comments on the amount of time you require to complete the form and/of suggesterols for reducing this busides, should be sent to the Client Internation Officer. On the Comments of the sent of the Client Internation Officer. FORMST 07 THIS ADDRESS. SEND 19. Activities the Collection of Comments of the sent of the Client Internation Officer. FORMST 07 THIS ADDRESS. SEND 19. Activation Confidence of Corrections Branch, Commissioner for Patients, P.O. Box 1480, Accusardia, Val 22313-1480.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

One Arizona Center, 400 E. Van Buren, Phoenix, AZ 85004-2202

Howard I. Sobelman, Snell & Wilmer L.L.P.

Electronic Acknowledgement Receipt					
EFS ID:	3488964				
Application Number:	10711827				
International Application Number:					
Confirmation Number:	5826				
Title of Invention:	LIMITED USE PIN SYSTEM AND METHOD				
First Named Inventor/Applicant Name:	Christopher John Fletcher				
Customer Number:	66170				
Filer:	Howard I. Sobelman/Debbie Mier				
Filer Authorized By:	Howard I. Sobelman				
Attorney Docket Number:	70655.4800				
Receipt Date:	19-JUN-2008				
Filing Date:	07-OCT-2004				
Time Stamp:	19:33:30				
Application Type:	Utility under 35 USC 111(a)				
Time Stamp:	19:33:30				

### Payment information:

Submitted with Payment	yes .
Payment Type	Deposit Account
Payment was successfully received in RAM	\$130
RAM confirmation Number	4052
Deposit Account	192814
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

notice of appeal due 7-16-08 NOTED ON DOCKET

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEF 503.

#### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

#### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

#### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

#### Acknowledgement Receipt

The USPTO has received your submission at 19:33:30 Eastern Time on 19-JUN-2008 by Deposit Account: 192814.

\$ 130 fee paid by e-Filer via RAM with Confirmation Number: 4052.

You have also pre-authorized the following payments from your USPTO Deposit Account:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

eFiled Application Information		-
EFS ID	 3488964	
Application Number	10711827	
Confirmation Number	5826	
Title	LIMITED USE PIN SYSTEM AND METHOD	
First Named Inventor	Christopher John Fletcher	
Customer Number or Correspondence Address	66170	
Filed By	Howard I. Sobelman/Debbie Mier	
Attorney Docket Number	70655.4800	
Filing Date	07-OCT-2004	
Receipt Date	19-JUN-2008	
Application Type	Utility under 35 USC 111	

Application	Dataila

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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

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If you need help:

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- Send general questions about USPTO programs to the <u>USPTO Contact Center (UCC)</u>.
- If you experience technical difficulties or problems with this application, please report them via e-mail to Electronic Business Support or call 1 800-786-9199.

Electronic Patent A	Application	ı Fe	e Transn	nittal	
Application Number:	10711827				
Filing Date:	07-Oct-2004				
Title of Invention:	LIMITED USE PIN SYSTEM AND METHOD				
First Named Inventor/Applicant Name:	Christopher Jo	hn Fle	etcher		
Filer:	Howard I. Sobelman/Debbie Mier				
Attorney Docket Number:	70655.4800				
Filed as Large Entity					
Utility Filing Fees					
Description	Fee Co	de	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:					
Pages:					
Claims:					
Miscellaneous-Filing:					
Petition:					
Patent-Appeals-and-Interference:					
Post-Allowance-and-Post-Issuance:					
Statutory disclaimer	1814		1	130	130
Extension-of-Time:					

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OKTO FILE:

6/19/08

#### FILED VIA EFS WEB

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Inventor: Christopher John Fletcher Docket No.:

Examiner:

70655 4800

Serial No.:

10/711,827

Group Art Unit:

2887

Filing Date:

October 7, 2004

Taylor, April Alicia

Title:

LIMITED USE PIN SYSTEM AND METHOD Confirmation No.: 5826

### AMENDMENT AND REPLY

Mail Stop AF Commissioner For Patents PO Box 1450 Alexandria, VA 22313-1450

#### Dear Commissioner:

In reply to the Final Office Action dated April 16, 2008, of which this Reply is filed within the three month shortened statutory period for reply, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

#### Amendments To Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### Listing of Claims:

1. (currently amended) A method for facilitating a transaction, comprising:

identifying a primary account having an associated account number;

generating receiving from at least one of: an RFID transponder and a smartcard a limited use Personal Identification Number (PIN) that is configured to facilitate a transaction; associating the limited use PIN with the primary account;

associating the limited use PIN with a notification response, wherein the notification response is associated with a notification response rule relating to who to notify if the limited use PIN is used;

associating the limited use PIN with an emergency response, wherein the emergency response is associated with an emergency response rule relating to an emergency entity to notify if the limited use PIN is used:

issuing the limited use PIN to a first party to facilitate a transaction with a second party, wherein the limited use PIN is configured to be immediately usable for facilitating the transaction with the second party;

receiving transaction information from the second party for authorization, wherein the transaction information includes the account number and limited use PIN;

forwarding the transaction information to a card authorization system for authorization processing;

processing the transaction information with the card authorization system, wherein the card authorization system determines whether the transaction information includes the limited use PIN and interfaces with a limited use PIN system to determine whether authorization is appropriate, wherein authorization determination includes:

receiving account information associated with the account number; and determining whether conditions-of-use parameters associated with the limited use PIN are satisfied, the conditions-of-use parameters defining at least a predetermined restriction on use of the limited use PIN; and;

acquiring, from a database, the notification response rule corresponding to the limited use PIN:

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issuing said the notification response in accordance with said notification response rule;

acquiring, from the database, the emergency response rule corresponding to the limited use PIN;

issuing the emergency response in accordance with the emergency response rule:

returning an appropriate approval code to the second party, when if conditions of use parameters associated with the limited use PIN and the primary account are satisfied; and declining the authorization request when if either the conditions associated with at-least one-of the primary account and the limited use PIN are not satisfied.

#### Claim 2 (canceled)

- 3. (previously presented) The method of claim 1, further comprising allowing the first party to select and define the conditions-of-use parameters, wherein the parameters place limits on how the limited use PIN may be used.
- 4. \_\_\_\_(original) The method of claim 3, further comprising associating the conditions-of-use parameters with the limited use PIN.
- (previously presented) The method of claim 4, further comprising the step of storing the condition of use parameters in one or more account database fields associated with the limited use PIN.
- 6. (previously presented) The method of claim 5, wherein said steps of selecting and defining the conditions of use parameters comprise selecting and defining at least one of: a limited use PIN credit limit, limiting use of a limited use PIN on account balance availability, a limited use PIN expiration date, a predetermined number of transactions before the limited use PIN is declined, limiting use of a limited use PIN to a specified dollar amount per transaction, limiting use of a limited use PIN to a total dollar amount for pro-designated number of transactions, whether a limited use PIN can be used to earn loyalty points, whether a limited use PIN can be used to redeem loyalty points, limiting use of a limited use PIN to a maximum dollar amount per month, use of a limited use PIN for a specified

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merchant only, restricting use of a limited use PIN to a specified user, and specifying that all online transactions be performed using only a limited use PIN.

(previously presented) The method of claim 6, wherein the conditions of use parameters
comprise a notification response, wherein the notification response comprise notifying a third party
whenever the limited use PIN is used.

Claims 8-10 (canceled).

- 11. (currently amended) The method of claim 7, wherein said steps of determining when if conditions of use associated with the primary account and limited use PIN are satisfied, comprises determining when if at least one of the following conditions of use are satisfied: a limited use PIN credit limit, a limited use PIN account balance availability, a limited use PIN expiration date, a predetermined number of transactions before the limited use PIN is declined, limiting the use of a limited use PIN to a specified dollar amount per transaction, limiting the use of a limited use PIN can be used to earn loyalty points, whether a limited use PIN can be used to earn loyalty points, whether a limited use PIN can be used of a limited use PIN to a maximum dollar amount per month, use of a limited use PIN for a specified merchant only, restricting use of a limited use PIN to a specified user, and specifying that all online transactions be performed using only a limited use PIN.
- 12. (previously presented) The method of claim 1, further comprising:

receiving transaction settlement information from the second party, wherein the transaction was facilitated using the limited use PIN;

identifying the transaction settlement information as a transaction involving the limited use PIN:

verifying that the limited use PIN is a valid number; capturing the transaction settlement information in a financial capture system; and causing the second party to be paid.

 (currently amended) The method of claim 12, further comprising the steps of: identifying the primary account that is associated with the limited use PIN;

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replacing the limited use PIN with the primary account PIN number;

processing the transaction settlement information in an accounts receivable system; and generating a billing statement that includes at least the primary account number.

14. (currently amended) The method of claim 13, further comprising the steps of comparing the transaction settlement information with conditions of use parameters associated with the limited use PIN to determine when if the conditions of use have been satisfied.

Claim 15. (canceled)

16. (previously presented) The method of claim 14, further comprising the step of receiving from the second party a settlement request for payment of a transaction involving the limited use PIN wherein the second party is paid when the limited use PIN is valid.

17. (currently amended) A method of claim 16, further comprising the steps of: routing the second party settlement request for payment to a financial capture system; creating an accounts payable file and routing the accounts payable file to an accounts payable system for payment processing; and

creating an accounts receivable file and routing the accounts receivable file to a service that retrieves the associated primary account number and replaces the limited use PIN with the primary account PIN number and forwards the resulting accounts receivable file to an accounts receivable system to generate the first party billing statement.

Claim 18. (canceled)

 (currently amended) A method for facilitating a transaction comprising the steps of: registering with a card provider to use a transaction system;

logging-in to the card provider's transaction system by providing authenticating information, and causing <u>said</u> card provider to verify that a first party is a registered and authorized user:

designating a transaction account as a primary account, wherein said primary account is a non-currency based account and is associated <u>with an</u> account number;

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requesting a limited use PIN from the eard provider, causing at least one of: an RFID transponder and a smartcard the eard provider to generate a limited use PIN;

causing said limited use PIN to be sent to said card provider, wherein said card provider associates said and to associate the limited use PIN with the previously selected said designated at least one primary account:

selecting conditions of use parameters to be associated with the limited use PIN;

associating said limited use PIN with a notification response, wherein said notification response is associated with a notification response rule relating to who to notify if said limited use PIN is used:

associating said limited use PIN with an emergency response, wherein said emergency response is associated with an emergency response rule relating to an emergency entity to notify if said limited use PIN is used;

receiving the limited use PIN from the card provider;

providing the account number and limited use PIN to a second party to facilitate a transaction.

Claims 20-21. (canceled)

- 22. (original) The method of claim 19, further comprising the step of defining conditions of use parameters to be associated with the limited use PIN.
- 23. (previously presented) The method of claim 22, wherein the steps occur online.

Claim 24 (canceled)

- 25. (currently amended) The method of claim 23, wherein said at-least-one primary account is associated with an electronic line of credit system.
- 26. (previously presented) The method of claim 25, further comprising the step of disputing a charge for a transaction involving a limited use PIN, and causing the card provider to charge back the charge to the second party.

# 28. (previously presented) The method of claim 26, wherein the step of generating the limited use PIN comprises

receiving a primary account number from the first party to initiate a transaction; sending the primary account number to a card provider during a card authorization process, requesting that the card provider generate and return a limited use PIN that is associated with the primary account number; and receiving from the card provider the limited use PIN associated with the primary account, wherein the limited use PIN is then used to facilitate a transaction settlement.

# (previously presented) The method of claim 28, wherein the step of generating the limited use PIN comprises

receiving a primary account number from a first party to initiate a transaction; sending the primary account number to a card provider, requesting that the card provider generate and return the limited use PIN that is associated with the primary account number;

receiving from the card provider the limited use PIN associated with the primary account, wherein the limited use PIN is then used to facilitate a transaction settlement; and

purging the primary account number from the second party's records and replacing with the associated limited use PIN.

## 30. (previously presented) The method of claim 29, wherein the step of generating the limited use PIN comprises:

receiving a primary account number from a first party to initiate a transaction; sending the primary account number to a card provider, requesting that the card provider generate and return information that is associated with the primary account number:

receiving from the card provider information associated with the primary account, wherein the information is then used to facilitate a transaction settlement: and

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purging the primary account number from the second party's records and replacing with the associated information.

Claim 31 (canceled)

32. (currently amended) The method of claim 30, wherein said at least one primary account is a line of credit account.

#### REMARKS

Applicants reply to the Final Office Action dated April 16, 2008 within the shortened statutory three month period for reply. Applicants request an Advisory Action, if necessary. Claims 1-7, 9-17, 19-23, 25, 26, 28-30 and 32 were pending in the application and the Examiner objects to claims 1-7, 9-17, 19-23, 25, 26, 28-30 and 32. Applicants cancel claim 2 without prejudice to filing one or more claims disclosing similar subject matter. Reconsideration of the pending claims is requested. The amendments are adequately supported in the originally-filed specification, drawings and claims. Specifically, support for the newly added limitations may be found in, for example, paragraphs 0072 (RFID device generation of PIN) and 00108 (notification response and emergency response) of the originally filed specification. No new matter is added in this Reply.

#### **Double Patenting**

The Examiner rejects claims 1-17, 11-14, 16, and 17 under the judicially created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent Application No. 11/777,396. Applicants herein submit a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome the nonstatutory obviousness-type double patenting rejection.

#### Claim Objections

The Examiner objects to claims 1-7, 11-14, 16, 17, 19, 22, 23, 25, 26, 28-30, and 32 due to informalities. Applicants amend the claims in accordance with the Examiner's suggestions.

The Examiner objects to claim 2 under 37 CFR 1.75(e), as being of improper dependent form for failing to further limit the subject matter of the previous claim. Applicants cancel claim 2, so this rejection is now moot.

#### Rejection under 35 U.S.C. § 112

The Examiner rejects claims 1-7, 11-14, 16, 17, 19, 22, 23, 25, 26, 28-30, and 32 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The examiner asserts that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention.

The Examiner notes that the "amendment now recites 'receiving transaction information from (claim 1) or providing transaction information to (claim 19) the secondary party (merchant) for authorization, wherein the transaction information includes the account number and limited use PIN'

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which is not supported in the specification" (Page 6, final paragraph). Applicants amend claims 1 and 19 to clarify that the transaction information includes the limited use PIN.

#### Rejections Under 35 U.S.C. § 102

The Examiner rejects claims 1-7, 11-14, 16, 17, 19, 22, 23, 25, 26, 28-30, and 32 under 35 U.S.C. § 103(a) as being anticipated by Armes, U.S. Patent Publication No. 2001/0034720. Applicants respectfully traverse the rejection.

Applicants assert that Armes does not disclose or contemplate the patentable features of the present specification such as, for example, paragraphs 0072 (RFID or smartcard device generation of PIN) and 00108 (notification response and emergency response).

Armes generally discloses a transaction number that is associated with a primary account number. Specifically, a requested transaction number of Armes is a randomly generated proxy number that is associated with a transaction card account number. Significantly, Armes discloses that the proxy number is generated by the server, and not by a device that is in possession of the requestor. The proxy number disclosed by Armes is used to facilitate a financial transaction in lieu of the actual account number. In other words, the proxy number is formatted such that it can be processed by a point of sale system in the conventional matter. The proxy number is transmitted from the point of sale system to a card authorization system for authorization of a financial transaction. The card authorization system is able to differentiate a proxy number from a real account number. As such, the card authorization system processes the proxy number differently in that it searches a database on the proxy number to locate a corresponding account number. The account number is then used by the card authorization system to determine whether to approve or decline the financial transaction. The card authorization system further confirms that the financial transaction conforms to the limited use parameters. Based on all conditions being met, the card authorization system sends either an approval or decline message to the point of sale.

Armes further discloses associating limited use parameters with the proxy number. Such limited use parameters may include, for example, limited to a predetermined number of transactions, limited transaction amounts, and the like. While these limits provide some safeguards to help limit fraudulent use or unauthorized use by a relative or employee, it does little to ensure that the a proxy number is being used for its intended purpose. For example, a cardholder may obtain a proxy number for a specific use. However, he subsequently loses the proxy number without realizing it. Another individual locates the proxy number and uses it to make an unauthorized purchase that is within the use parameters that were associated with it. There is no way for the cardholder to realize that the proxy

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number has been used until he receives and reviews his credit card statement. In other words, Armes does not include a means for alerting the cardholder at the time of an unauthorized transaction. As such, Armes does not disclose or contemplate the following unique combination of steps, as similarly disclosed by independent claim 1 and 19.

- receiving from at least one of: an RFID transponder and a smartcard a limited use Personal Identification Number (PIN) that is configured to facilitate a transaction associating the limited use PIN with said at least one primary account
- associating the limited use PIN with a notification response, wherein the notification response is associated with a notification response rule relating to who to notify if the limited use PIN is used
- associating the limited use PIN with an emergency response, wherein the emergency response is associated with an emergency response rule relating to an emergency entity to notify if the limited use PIN is used
  - o acquiring, from a database, the notification response rules corresponding to the limited
  - o issuing said the notification response in accordance with the notification response rule
  - o acquiring, from the database, said emergency response rules corresponding to the limited use PIN
  - o issuing the emergency response in accordance with the emergency response rule;
  - o returning an approval code to the secondary party, if the conditions-of-use parameters associated with the limited use PIN are satisfied

Applicants assert that dependent claims 3-16, 22, 23, 25, 26, 28-30 and 32 variously depend from independent claims 1 and 19, so claims 3-16, 22, 23, 25, 26, 28-30 and 32 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. Should the Examiner have any suggestions to place the application in even better condition for allowance, Applicants request that the Examiner contact the undersigned representative at the telephone number listed below. The Commissioner is authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. 19-2814.

11

Respectful submitted.

Date: June 19, 2008

SNELL & WILMER L.L.P. One Arizona Center 400 East Van Buren Phoenix, AZ 85004-2202 Phone: (602) 382-6228 Fax: (602) 382-6070 Email: hsobelman@swlaw.com Howard I. Sobelman, Reg. No. 39,038

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#### PATENT

Inventor: Christopher John Fletcher Docket No : 70655.4800

Serial No.:

10/711,827

Group Art Unit: 2887

Filing Date:

October 7, 2004

Examiner:

Taylor, April Alicia

Title:

LIMITED USE PIN SYSTEM AND METHOD

Confirmation No.: 5826

#### TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Mail Stop AF Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### Dear Commissioner:

The owner, American Express Travel Related Services Company, Inc., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application No. 11/777,396 as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference

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applications "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference applications: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record. Reg. No. 39,038.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.

The Terminal Disclaimer fee under 37 CFR 1.20(d) is included.

Respectfully submitted,

Dated: June 19, 2008

Howard I. Sobelman Reg. No. 39.038

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